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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,533	10/25/2001	Satoshi Umezu	A-313CIP	7834
802	7590	05/19/2004	EXAMINER	
DELLETT AND WALTERS P. O. BOX 2786 PORTLAND, OR 97208-2786			HANNE, SARA M	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/033,533	<b>Applicant(s)</b> UMEZU ET AL.	
	<b>Examiner</b> Sara M Hanne	<b>Art Unit</b> 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**BA HUYNH**  
**PRIMARY EXAMINER**

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: ____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Regarding claim 1, the phrase "such as" in lines 3 and 9 render the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).
4. Claim 2 recites the limitation "said application " in line 4, page 86. There is insufficient antecedent basis for this limitation in the claim.
5. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. The use of alternative limitations (ie "model means or said view means", line 14 and "generating/managing means", lines 5-6) throughout the claims is improper and renders the claims indefinite. It is unclear which limitation is meant to define the Claims.
6. Furthermore, Claims 2-6 are rejected on their dependency to the Claim 1 rejected *supra*.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-2 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sprenger et al., US Patent 5861882 and in further view of Hand, US Patent 5923867.

As in Claim 1, Sprenger et al. teaches a GUI processing system to perform an operation of an application to control testing equipment by displaying images (icons, Column 6, lines 41-61) and selecting them with a pointing device ("Pointing device 22", Figure 1), and further a model view controller command means including model means for managing data (Column 8, lines 36-49), a view means to display content of the model means on screen ("The display on FIG. 4 shows both the static data descriptive of the real oscilloscope represented by icon 441 as well as the dynamic measurements being made by the test element corresponding to the oscilloscope icon 441.", Column 9, lines 14-18), command means with an execution start process corresponding to any of the commands of the model or view means a controller means to detect input information from the pointing device, and specifying a command to activate the execution start process corresponding to the command, and the command registered with the

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command means rather than controller means directly activating the model means or view means (Column 8, lines 8-11). While Sprenger et al. teaches an iconic testing system with model view, view means, and command means registered with the controller they fail to show the undo process command as recited in the claims. In the same field of the invention, Hand teaches a device under test system similar to that of Sprenger et al. In addition, Hand further teaches an undo command for the device under test system. It would have been obvious to one of ordinary skill in the art, having the teachings of Sprenger et al. and Hand before him at the time the invention was made, to modify the iconic interface with model views, viewing means and controller registered commands taught by Sprenger et al. to include the undo command of Hand, in order to obtain a way to revert the model to a prior state. One would have been motivated to make such a combination because a user-friendly interface that facilitates the user in disconnecting devices that were not meant to be connected for testing would have been obtained, as taught by Hand.

As in Claim 2, Sprenger et al. teaches a drag controller for drag drop visual feedback (Column 10, lines 15-26), and display as to whether or not drag drop can be implemented is dynamically switched (Column 12, line 65-Column 13, line 6).

As in Claim 5, Sprenger et al. teaches command block execution for selecting a block in command storage, reading a command in the block and executing the start process for the commands in order of the command registration, included in GUI generating/managing means, so in response to a

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demonstration operation the start process for the commands held in storage is carried out again in order of the command registration (Column 12, lines 28-34).

As in Claim 6, command edit means for storing a block in command storage and deleting commands after a predetermined command stored in the block and adding a new command such that command block edit means is included in GUI generating/managing means so that in response to a demonstration operation the start process for the commands held in storage is carried out after the registered commands are partially edited (Column 12, lines 34-39).

9. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sprenger et al., US Patent 5861882 and Hand, US Patent 5923867 and in further view of Keane et al., US Patent 5481710.

Sprenger et al. and Hand teaches a GUI processing system to perform an operation of an application to control testing equipment by displaying images and selecting them with a pointing device, and further a model view controller command means including model means for managing data, a view means to display content of the model means on screen, command means with execution undo and start processes corresponding to any of the commands of the model or view means a controller means to detect input information from the pointing device, and specifying a command to activate the execution start process corresponding to the command, and the command registered with the command means rather than controller means directly activating the model means or view

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means (See Claim 1 rejection *supra*). Sprenger et al. also teaches a command history stack (Column 12, lines 24-42). While Sprenger et al. and Hand teach the iconic testing system with model view, view means, and start and undo commands, command means registered with the controller they fail to show the redo command and push and pop means for storing and retrieving commands in conjunction with undo and redo commands as recited in the claims. In the same field of the invention, Keane et al. teaches a device under test system similar to that of Sprenger et al. and Hand. In addition, Keane et al. further teaches a command execution history stack means (undo stack) and undo history stack means (redo stack) to manage command storage, and operation undo and redo means included in the GUI generating/managing means ("applications include a menu that includes undo and redo actions", Column 1, line 67 – Column 2, line 1), a command storage saving a command to execute an execution start process in storage (Column 4, lines 1-10), push means to add a new command to the tail of command storage (Figure 5, step 83 and Figure 6, step 89), pop means to fetch the command added to the tail of command storage (Figure 5, step 79 and Figure 6, step 85), command execution history storage means to add a command to execute an execution start process by a pointing device to command storage with a push means (Figure 5, steps 79 and 81), command undo history storage means to add a command to execute an execution undo process by a pointing device, to said command storage with a push means (Figure 6, steps 85 and 87), operation undo means for executing undo start process of the command (Figure 5, step 81), and operation redo means for



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executing an execution start process of the command fetched by said pop means of said command execution history stack means (Figure 6, step 87). It would have been obvious to one of ordinary skill in the art, having the teachings of Sprenger et al., Hand and Keane et al. before him at the time the invention was made, to modify the iconic interface with model views, viewing means and controller registered start and undo commands taught by Sprenger et al. and Hand to include the redo command and push and pop means for storing and retrieving commands in conjunction with undo and redo commands of Keane et al., in order to obtain a structured command history for implementing undo and redo commands with the Device testing interface. One would have been motivated to make such a combination because a user-friendly interface that facilitates the user in disconnecting and reconnecting devices for testing and reverting the displays to their prior corresponding states would have been obtained, as taught by Keane et al.

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### ***Conclusion***

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach device-under-test interfaces and undo control means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara M Hanne whose telephone number is (703) 305-0703. The examiner can normally be reached on M-F 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smh

BA HUYNH  
PRIMARY EXAMINER